

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
NOEL MARTINEZ,	:
	:
Movant,	:
	:
-v-	:
	:
UNITED STATES OF AMERICA,	:
	:
Respondent.	:
	:
-----X	
UNITED STATES OF AMERICA,	:
	:
-v-	:
	:
NOEL MARTINEZ,	:
	:
Defendant.	:
	:
-----X	

21-CV-10445 (LTS)

18-CR-319-8 (LTS)

ORDER APPOINTING
COUNSEL

The Court has received movant-defendant Noel Martinez’s pro se motion pursuant to 28 U.S.C. section 2255 to vacate his sentence, and accompanying motion for the appointment of counsel pursuant to the Criminal Justice Act (“CJA”).

The Court, having considered the factors set forth in Hodge v. Police Officers, 802 F.2d 58 (2d Cir. 1985), concludes that the appointment of CJA counsel to represent Mr. Martinez in connection with his section 2255 motion is in the interests of justice. See, e.g., Starkes v. United States, No. 20-CV-0265-LGS, 2020 WL 230944, at *2 (S.D.N.Y. Jan. 15, 2020) (applying the Hodge factors and appointing counsel, pursuant to 18 U.S.C. section 3006A

and 28 U.S.C. sections 2255(g), in connection with a section 2255 motion brought by an indigent movant alleging his criminal counsel's failure to request a competency hearing).

The Court therefore appoints counsel from the Criminal Justice Act Habeas Panel. The Court's CJA Clerk is directed to assign the next available, non-conflicted attorney from that panel to represent Mr. Martinez in connection with his motion pursuant to section 2255.¹

Because Mr. Martinez's section 2255 motion contains his complete birthdate, the Court has filed a redacted version of that motion on the public docket, and will file the complete, unredacted version under seal. See Fed. R. Civ. P. 5.2; Fed. R. Crim. P. 69.1.

This Order resolves docket entry no. 2 in case no. 21-CV-10445, and docket entry no. 441 in case no. 18-CR-319.

Chambers will mail a copy of this Order to Mr. Martinez.

SO ORDERED.

Dated: New York, New York
December 8, 2021

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge

Copy mailed to:

Noel Martinez
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USP Canaan
U.S. Penitentiary
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¹ The Court denies Mr. Martinez's specific request to appoint attorney Stephanie Carvlin, who is not currently on the Court's CJA Habeas Panel.